

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

BARBARA SCHWAB et al., individually and
on behalf of all others similarly situated,

Plaintiffs,

v.

PHILIP MORRIS USA, INC. et al.,

Defendants.

Civil Action No. CV 04-1945

**DECLARATION OF DOUGLAS J. MCNAMARA
IN SUPPORT OF PLAINTIFFS' MEMORANDUM OF LAW IN SUPPORT OF MOTION
FOR COLLATERAL ESTOPPEL AND PARTIAL SUMMARY JUDGMENT**

I, Douglas J. McNamara, declare as follows:

1. I am an attorney with the law firm of Cohen, Milstein, Hausfeld & Toll, P.L.L.C.,
co-lead attorneys for Plaintiffs in this action.

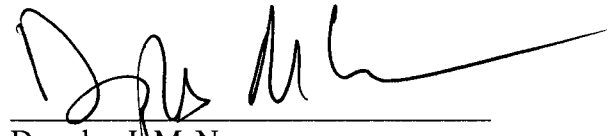
2. I am a member of the New York bar.

3. Attached to this declaration are true and accurate copies of the following:

Exhibit 1: Special Verdict Form dated February 9, 1999. *Henley v. Philip Morris, Inc.*, No. 995172 (Cal. Super. Ct.).

I declare under penalty of perjury of the laws of the United States, the District of Columbia and the State of New York that the foregoing is true and correct.

This Declaration was signed by me on July 22, 2005, at Washington, District of Columbia.



Douglas J. McNamara